IN THE HIGH COURT OF DELHI

Bail Application No.1526/2007

Ram Dass & Ors. ..... Petitioners
! through : Mr.S.L.Kashyap.

VERSUS

$ State ..... Respondent
^ through : Mr.Jaideep Malik for State.
Complainant in person.

% DATE OF DECISION: 03.10.2007

CORAM:

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment? Y

2. To be referred to the Reporter or not? Y

3. Whether judgment should be reported in Digest? Y

: **PRADEEP NANDRAJOG, J.**

FIR No.224/07 dated 3.4.2007
under Section 498-A/406/34 IPC
PS Patel Nagar.

1. Petitioners are the father-in-law, mother-in-law, husband, younger brother of the husband and the younger married sister of the husband of the complainant. They seek pre-arrest bail in the afore-noted FIR.

2. On 23.7.2007 parties were referred for mediation. Unfortunately, mediation has failed due to the non-cooperative attitude of the petitioners.

3. The complainant has been thrown out of her matrimonial house with 2 children. All petitioners are present in Court. I have specifically asked petitioner No.3, the husband of the complainant

and petitioner No.1, the father-in-law of the complainant whether they are prepared to give some monthly maintenance to the complainant. They have refused.

4. The investigating officer informs that the petitioners own a residential house in Delhi, though in an unauthorized colony. The house has 5 rooms on the ground floor and 4 rooms on the first floor. Out of 9 rooms, 5 have been let out to tenants.

5. Petitioner No.1 and 3 admit that the 5 rooms have been let out to the tenants but state that the house in question is the joint property of the first petitioner and his brother.

6. No istreedhan or dowry article of the complainant has been recovered probably for the reason nothing is available in the matrimonial house of the complainant.

7. Petitioners state that whatever jewellery was possessed by the complainant has been taken away by her.

8. But, in respect of household articles, admitting that the complainant never brought a public goods carrier to the matrimonial house and could not have removed the household articles, petitioners No.1 and 3 respond to the Court by stating that come what may they are not ready to give anything to the complainant.

9. The obstructive attitude of the petitioners does not entitle them to any discretionary relief.

10. But, noting that petitioner No.2 is a housewife and that petitioner No.5 is married outside the family and that petitioner No.4 appears not to be having any say in the matter, I am of the

opinion that only petitioners No.2, 4 and 5 would be entitled to anticipatory bail.

11. I thus dismiss the petition vis-a-vis petitioners No.1 and 3 i.e. Ram Dass and Om Prakash.

12. I grant anticipatory bail to petitioners No.2, 4 and 5.

13. Subject to said petitioners cooperating with the investigating officer, in the event of the said petitioners being arrested by the investigating officer they would be released on bail by the investigating officer on their furnishing a personal bond in sum of Rs.10,000/- each with one surety each in the like amount to the satisfaction of the investigating officer in the afore-noted FIR.

14. Copy of the order be supplied dasti to learned counsel for the petitioner.

October 03, 2007
DK

(PRADEEP NANDRAJOG)
JUDGE